#### CERTIFICATE OF MAILING

The undersigned certifies that this correspondence (including PTO-1449, IDS, references) is being deposited with the United States Postal Service as Priority Mail w/ Delivery Confirmation in a postage-paid package addressed to Assistant Commissioner for Patents, Washington, D. C. 20231 on September 17, 2001.

PATENT APPLICATION Docket No.: 1735.2.3A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Xpplicants:

Ron McCabe

Serial No.:

09/925,938

Filed:

August 9, 2001

For:

DATA / PRESENCE INSURANCE TOOLS & TECHNIQUES

# FIRST INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of Patents & Trademarks Washington, D. C. 20231

Commissioner:

This Information Disclosure Statement is filed in response to the duty of candor described in 37 C.F.R. §§ 1.56, 1.98, MPEP § 2001.06(c), and elsewhere. The references and/or other information listed on the accompanying Form PTO-1449 (incorporated herein) are respectfully submitted for consideration by the Office. Identifying information and copies of the references are included.

Dated this September 17, 2001.

\ p-ids

Respectfully submitted

JOHN W.L. OGILVIE

Registration No. 37,987

COMPUTER LAW++

1211 East Yale Avenue

Salt Lake City, Utah 84105

(801) 582-2724 voice

(801) 583-1984 fax

Form PTO-1449

Sheet 1 of 3

Applicants:

Ron McCabe

Serial No.:

09/925,938

Att'y Docket No. 1735.2.3A

Group: \_\_\_\_\_

Filed:

For:

August 9, 2001

DATA / PRESENCE INSURANCE TOOLS AND TECHNIQUES

# LIST OF REFERENCES CITED BY APPLICANT

# **U.S.** Patent Documents

Examiner Initial*	War s ye	Document Number_	Issue _Date_	Name	Class	Sub Class	Filing _Date
	Al	6,065,018	05/16/00	Beier et al.	707	202	03/04/98
	A2	6,052,797	04/18/00	Ofek et al.	714	6	08/20/98
	A3	5,870,537	02/09/99	Kern et al.	395	182.04	03/13/96
	A4	5,835,953	11/10/98	Ohran	711	162	11/08/96
	A5	5,812,748	09/22/98	Ohran et al.	395	182.02	05/16/95
	A6	5,748,870	.05/05/98	Tims et al.	395	182.02	04/07/93
	A7	5,734,818	03/31/98	Kern et al.	395	182.18	05/10/96
	A8	5,633,999	05/27/97	Clowes et al.	395	182.04	12/18/95
	A9	5,592,618	01/07/97	Micka et al.	395	182.07	10/03/94
	A10	5,574,950	11/12/96	Hathorn et al.	395	861	03/01/94
	A11	5,537,533	07/16/96	Staheli et al.	395	182.03	08/11/94
	A12	5,455,932	10/03/95	Major et al.	395	489	10/20/92
	A13	5,202,827	04/13/93	Sober	364	401	05/10/90

## Other Documents

Examiner Document Initial\* Description

Examiner:

Date Considered:

<sup>\*</sup>EXAMINER: Please initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Please include a copy of this form with the next communication to applicant.

Form PTO Applicants Serial No.: Filed: For:	<b>3</b> :	Ron McCabe 09/925,938 August 9, 2001 DATA / PRESENCE INSURANCE TOOLS AND TECHNIQUES  Sheet 2 of 3 Att'y Docket No. 1735.2.3A Group:
	A14	"Nonstop Networks; Company Profile", no later than 04/08/1999, pp. 1-14.
	A15	"Nonstop Networks; SFT III vs Mirroring Utilities", Nonstop Networks Limited, 1991-1996, pp. 1-6.
	A16	"Nonstop Networks Limited - Press Release", March 4, 1996, pp. 1-2.
	A17	"Nonstop Networks Ltd.: No*Stop Network", PC Magazine, May 14, 1996, pp. 1-5.
	A18	"As Hacking Mounts, More U.S. Insurers Offer Policies That Cover Internet Losses", The Wall Street Journal, March 6, 2000, p. A27C.
	A19	"Insurance for Internet and E-Commerce Liabilities", The Computer Law Association Bulletin, Vol. 15, No. 1, pp. 14-19; no later than April 25, 2000.
	A20	"IBM & Insurance Firms Creating Data Insurance", pp. 1-3, May 21, 1998.
	A21	"E-insurance: Protecting data, networks, and secrets", from www.insure.com, pp. 1-6, no later than 12/17/1999.
	A22	"Lloyds to offer firms insurance against hackers", from www.zdnet.com, pp. 1-3, April 23, 1998.
	A23	"Tape Storage Solutions for the Insurance Marketplace", pp. 1-3, no later than 12/17/1999.
	A24	"PLATINUM Backup and Recovery: Check Your Data Insurance Policy", from www.platinum.com, pp. 1-6, no later than 12/17/1999.
	A25	"Online Data Insurance", PC Computing, pp. 1-2, March 15, 1999.
	A26	"Double-Take; Meeting the New Requirements for Enterprise Data Protection", NSI Software, 1997, pp. 1-16.
	A27	Definitions of "data", "protection", "protect", "insurance" from American Heritage Dictionary, Third Edition; 1992
	A28	"Got CyberInsurance?", Computerworld, p. 44, August 21, 2000.
Examiner:		Date Considered:

<sup>\*</sup>EXAMINER: Please initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Please include a copy of this form with the next communication to applicant.

Form PTO-1449 Applicants: Serial No.: Filed: For:	Ron McCabe SEP 2 4 7000 Sheet 3 of 3 09/925,938 Att'y Docket No. 1735.2.3A August 9, 2001 Group: DATA / PRESENCE INSURANCE TOOLS AND TECHNIQUES			
A29	"IBM & Sedgwick Roll Out Data Insurance for Internet", Newsbytes, September 28, 1998.			
A30	Miscellaneous trademark office action references, from 76/108606 for DATA INSURANCE and 76/108607 for DATA PROTECTION INSURANCE; 20 pages; various dates, no later than 2/22/01			
Examiner:	Date Considered:			
*EXAMINER: Please initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Please include a copy of this form with the next communication to applicant.				